IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 4835 of 2006

CRIME NO.130/2006 OF PETTA POLICE STATION, TRIVANDRUM

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PETITIONER/ACCUSED:

THOMAS @ GOMAS, AGED 40 YEARS,
S/O. LUSLY GOMAS, DAISY GARDENS,
CONVENT ROAD, GENERAL HOSPITAL JN.,
THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE CIRCLE INSPECTOR OF POLICE, PETTA,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 21/08/2006, ALONG WITH BA NO. 4733 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos.4733/06 & 4835/06

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioners are accused, in crime No.130/2006 of Petta Police Station, for the offence punishable under Sections 376(1) and 376(2)(e) and (g) IPC read with Section 34 IPC. Hence, they are before this Court, under Section 438 Cr.P.C.

2. It is alleged that the petitioners had committed rape on the victim, on different occasions. The petitioner in B.A.No.4733/2006 is the fifth accused and the petitioner in B.A.No.4835/2006 is the first accused. I had perused the C.D file. I had also gone through the statement, recorded by the police, as well as Section 164 Cr.P.C. Statement, recorded by the Magistrate.

3. The counsel for the petitioners had advanced different arguments. After perusing all the records, I find that the same cannot be accepted at this stage. Considering the materials available on record, I direct the

petitioners to surrender before the Investigating Officer, who is investigating crime No.130/2006 of Petta Police Station, on 29.8.2006 between 10.30 a.m and 11.00 a.m.

4. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the competent Magistrate Court, as per the law. The learned Magistrate shall consider the application(s) for bail, preferred by the petitioners, along with the application for custodial interrogation, if any, that may be filed by the Investigating Officer, and pass orders according to the law.

The applications are disposed of as above.

J.M.JAMES
JUDGE

mrcs